

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLIFTONE SEMEDO,

Plaintiff,

v.

CARLOS GALVAN, et al.,

Defendants.

CV F- 03-5169 OWW DLB P

ORDER GRANTING DEFENDANT'S  
MOTION TO COMPEL DISCOVERY  
RESPONSES  
(DOC 41)

**I. Background**

Plaintiff is a prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. section 1983. This action is proceeding on plaintiff's amended complaint, against defendants Galvan and Cervantes for allegedly using excessive force on June 8, 2001, in violation of the Eighth Amendment. Pending before the court is defendant's motion to compel responses to requests for admission and requests for production of documents. Plaintiff did not file an opposition to the motion.

Defendants contend and Plaintiff does not dispute, that on September 28, 2006, they served plaintiff with requests for admissions and requests for production of documents. Pursuant to the Court's Discovery and Scheduling Order, responses to the discovery were due November 15, 2006

1 (45 days from September 28, 2006, plus three days for mailing). Defense counsel represents that he  
2 wrote to plaintiff on November 16, 2006 in an attempt to obtain plaintiff's responses. As of the  
3 filing of defendants' motion on December 1, 2006, plaintiff has failed to respond to the discovery.

4 **II. Discussion**

5 Pursuant to Federal Rule of Civil Procedure 37(a)(2)(B), a party may move for an order  
6 compelling responses to discovery. Plaintiff has apparently failed to provide responses to the  
7 written discovery nor has he provided any justification for his failure to do so. Accordingly,  
8 defendants' motion to compel is granted. On or before June 30, 2007, plaintiff shall provide  
9 responses to the requests for admissions and requests for production of documents served September  
10 28, 2006. Failure to comply with this order shall result in further sanctions. The dispositive motion  
11 deadline is hereby extended to August 30, 2007.

12 IT IS SO ORDERED.

13 **Dated: May 31, 2007**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE